

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF SEPTEMBER 28, 2006

Bharat Barai, M.D., called the meeting to order at 9:40 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Worthe Holt, Jr., M.D., Vice President
 (arrived at 9:50a.m.)
 Bharat Barai, M.D.
 Navin Barot, M.D.
 Thomas Akre, D.O.
 Steven Huddleston, J.D., Consumer Member

Members Absent: N. Stacy Lankford, M.D., President
 William Beeson, M.D., Secretary

Staff Present: Michael Rinebold, Board Director
 Professional Licensing Agency
 Jody Edens, Assistant Board Director
 Professional Licensing Agency
 James Schmitt, Deputy Attorney General
 Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Akre/Huddleston, 4/0/0

The Board voted to adopt the minutes of the August 24, 2006 meeting.

Huddleston/Akre, 4/0/0

PROBATIONARY APPEARANCES

The physicians listed below, appeared per their order and no other issues arose during the probationary appearance:

Glenn Ballengee, D.O.	John Bulger, M.D.	Ann Govier, M.D.
Janie Jones, M.D.	Michael Johnson, M.D.	Jan Peterson, II, M.D.
James Ranochak, M.D.	Lawrence Rothstein, M.D.	Stephanie Sharpe, M.D.
Brian Smith, M.D.	Andrew Wyant, M.D.	

Thomas Rollins, M.D. – Dr. Rollins is currently on Probation and informed the Board that he wishes to retire. The Board requested that Dr. Rollins write a letter to the Board indicating his wish to retire with specific dates listed.

Michael Miller, M.D. did not appear for his scheduled Probation appearance.

PERSONAL APPEARANCES

INITIAL APPLICANTS

The following did not appear for their scheduled personal appearance.

Peter Matel, M.D.

Janine Janes, M.D. – Dr. Janes appeared before the Board concerning a positive response on her initial application and was not represented by counsel. Dr. Janes had four (4) malpractice suites during her fellowship in Illinois. She decided to terminate her Obstetrics practice so she voluntarily surrendered her clinical privileges at the Hospital as she would no longer need them. She terminated her Obstetric practice because of the high premiums on her malpractice insurance. After discussion the Board moved to APPROVE for licensure.

Huddleston/Barai, 4/0/1 with Dr. Barai abstaining

Zeyad Morcos, M.D. – Dr. Morcos appeared before the Board concerning the positive response on his initial application and was not represented by counsel. Dr. Morcos had a notation of irregular behavior on his USMLE Step 1. He was able to complete the examination and went on to also complete Steps 2 and 3 without incidents. After discussion the Board moved to APPROVE for licensure.

Akre, Barot, 3/0/1 with Dr. Barai abstaining

Linda Callaghan, M.D. – Dr. Callaghan appeared before the Board concerning the positive response on her initial application and was not represented by counsel. In 1993 Dr. Callaghan surrendered her DEA because she could not practice due to being paralyzed. Her Michigan license was on Probation because she did not complete her CME's and she abandoned three (3) patients when she became ill and couldn't practice. Her license was then suspended in 1996 for one (1) year and one (1) day she was very sick and could not make the hearings. In 2005 she reapplied and was granted a license; the Michigan Board requested that she see a Psychiatrist before her reinstatement. The evaluation was favorable. After discussion the Board moved to APPROVE pending a Psychiatric evaluation and a Physical examination on her fitness to practice.

Akre/Huddleston, 4/0/0

RENEWAL APPLICATIONS

Thomas Holt, M.D. – Dr. Holt appeared before the Board concerning a positive response on his renewal application and was not represented by counsel. Dr. Holt's Iowa license was on Probation for Unprofessional Conduct. The Probation was for five (5) years; after one (1) year Dr. Holt requested the Probation to be lifted and Iowa agreed and lifted the probation.

After discussion the Board TABLED the renewal application pending the following additional documentation:

- Letter from the Hospital that took action
- Letter from the Hospital in Iowa where he currently has privileges
- Letter of good standing from City Hospital in Michigan

Once the Board receives this additional information Dr. Holt will be scheduled for a second personal appearance.

Barai/Huddleston, 4/0/1 with Dr. Holt abstaining

ADMINISTRATIVE HEARINGS

Terri Lynn Savage, M.D., License No. 01059556A, Cause No. 2006 MLB 0039

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

The Respondent's license was Revoked by the Ohio Medical Board on September 13, 2006. They requested that she go into a treatment program, she refused and continued to see patients while suffering from substance abuse. She also diverted narcotics for self use. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Akre, 5/0/0

Marvin E. Gold, M.D., License No. 01018654A, Cause No. 2006 MLB 0026

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting. Paul Gold was sworn in to testify for the Respondent.

Paul Gold testified that his father is in ICU at a rehabilitation facility in the State of Maryland. Previous to the Rehabilitation facility he was in a long term care facility. He stated that his father will never be able to return home as he cannot walk. A letter was submitted to the Board requesting to voluntarily surrender Dr. Gold's license. The request was submitted with power of attorney papers from Dr. Gold's other son. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the Voluntary Surrender with the stipulation that the Respondent will never apply for an Indiana license again.

Holt/Akre

Mr. Huddleston informed that Board that he doesn't think a Power of Attorney can surrender a license. With this advice Dr. Holt withdrew his motion.

After further discussion the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days and CONTINUED the hearing.

Huddleston/Barot, 4/0/0

(Dr. Barai was out attending a settlement conference)

Charles D. Maloney, M.D., License No. 01023354A, Cause No. 2006 MLB 0026

The Respondent did appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

An agreement between the Respondent and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The

agreement included a LETTER OF REPRIMAND, a fine of \$1,000 payable within 180 days and three (3) CME's in ethics. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Huddleston/Barot, 4/0/1 with Dr. Barai abstaining

Let the record reflect that Dr. Barai was not in attendance nor did he participate in the following hearing and filed notice to the Board of his recusal in this matter.

Nilda Durany, M.D., License No. 01029781A, Cause No. 1998 MLB 0020

Respondent did not appear in person and was represented by Herbert Lasser regarding the Termination of Probation scheduled before the Board. The State of Indiana was represented by Shelly Johnson, Deputy Attorney General and Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

A motion was filed by the Respondent's attorney to recuse Worthe Holt, M.D. from participating in this hearing. Dr. Holt informed the other Board members that he does not remember this case at all nor does he remember participating in any of her previous hearings. After discussion the Board moved to DENY the Respondent's motion to recuse.

A motion was filed by the Respondent's attorney to exclude evidence. Mr. Lasser wants to contain the evidence presented today to that evidence presented at the December 2, 2004 hearing. He doesn't want any new evidence since that time presented. After discussion the Board moved to DENY the Respondent's motion to exclude evidence.

Mr. Lasser was sworn in as a witness for the Respondent as well as representing the Respondent as her counsel. Ms. Johnson objected to him being counsel and a witness. The Board overruled Ms. Johnson's objection.

This matter is before the Board on Respondent's petition for withdrawal of her probation. In the Board's Findings of Fact and Order issued on February 12, 1999, the Respondent was placed on probation indefinitely with various terms and conditions imposed and with no right to petition for withdrawal of the probation for five years.

Respondent has missed probationary personal appearances. Given that she is residing in Florida and not currently practicing medicine there are changed circumstances that merit eliminating her probationary personal appearances as she is not currently practicing medicine and works in a non-health related profession.

The Respondent has not established that the deficiency that required disciplinary

action has been remedied. Although her emotional and personal situation appears to have improved, there is no evidence of changed behaviors in a medical practice setting (as she has not been practicing). Although her mental health status has seemed to improve based upon the report submitted by Dr. Gutman, Respondent has not demonstrated to the Medical Licensing Board of Indiana that she is capable of safely practicing medicine in any clinical setting.

Since the February 12, 1999 order was issued, Respondent's only history with practicing medicine has been with Dr. Bui, for one afternoon a week in the year 2004 for approximately nine (9) months. This experience was insufficient to provide the Medical Licensing Board of Indiana an adequate assessment tool of her clinical practice skills.

IC 25-1-9-9(b) states that "the board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Although the Respondent's counsel presented evidence, as she was not personally present at the hearing, ultimately the evidence did not meet the evidentiary burden of proof to satisfy the Board that the deficiency that required disciplinary action has been remedied. The Respondent failed to prove that she has the requisite clinical and cognitive skills, knowledge or medical judgment required to practice medicine currently.

Respondent meets the criteria for taking the Special Purpose Examination (SPEX) under 844 IAC 4-7-2.

The Medical Licensing Board of Indiana requires more information on the Respondent's professional competence and ability to practice medicine before withdrawing the probation placed on her license to assure the public safety given her failure to practice medicine since the February 12, 1999 Order.

The Board determined that the Respondent has not met the terms of her current Probation Order. After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board moved to Deny the Petition to Terminate Probation and to MODIFY the current terms of PROBATION as follows:

- Current terms A through E will remain the same.
- Drop terms G, I and J
- Add the following new term: Must obtain 120 hours of clinical experience within 3-9 months plus complete the SPEX or take the CPEP; results of such must be reviewed and approved by the Board.
- Order to show cause language

Upon completion of all terms the Respondent may file a motion to terminate Probation.

Akre/Holt, 2/0/2, with Dr's. Barot and Holt abstaining

According to the Board's counsel motion fails

After further discussion the Board moved to DENY the request to withdraw the order of Probation.

Akre/Holt, 1/2/1, with Mr. Huddleston and Dr. Barot objecting
And Dr. Holt abstaining
Motion failed to pass.

After further discussion the Board moved to DENY Respondent's motion to withdraw the order of Probation and to reintroduce the original Motion to MODIFY the PROBATION terms as follows:

- Current terms A through E will remain the same.
- Drop terms G, I and J
- Add the following new term: Must obtain 120 hours of clinical experience within 3-9 months plus complete the SPEX or take the CPEP; results of such must be reviewed and approved by the Board.
- Order to show cause language

Upon completion of all terms the Respondent may file a motion to terminate Probation.

Akre/Holt, 2/1/1, with Dr. Holt objecting and Dr. Barot abstaining
Motion Passes

The Board further discussed the Order to Show Cause issued for this Respondent for failing to attend personal appearances. The Board moved to VACATE the Order to Show Cause.

Holt/Akre, 4/0/0

James Haughn, M.D., License No. 01021600A, Cause No. 2006 MLB 0025

Respondent did appear in person and was represented by Ronald Elberger and Teresa Engle regarding a Settlement Conference scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement included a LETTER OF REPRIMAND, a fine of \$1,000 payable within ninety (90) days and must complete 25 hours of CME's in prescriptive practice, dealing with patients with pain management and substance abuse issues and charting. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Barai/Akre, 4/0/1 with Dr. Holt abstaining

REVIEW OF INITIAL APPLICATIONS

The Board reviewed the positive response information on the following applicants and approved them for issuance:

Howard Burley, M.D.	Andrew Campbell, M.D.	Michael Cuipa, M.D.
Brian Cullison, M.D.	Matthew Eisenstein, M.D.	Pandu Illuir, M.D.
Izenson Howard, M.D.	Gary Jones, M.D.	Andrew Parada, M.D.
Matthew Schulz, Acup.	Thomas Stephen, M.D.	

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

Eric Holt, M.D.	Sarah Crawford, M.D.	Paul Reszel, M.D.
Thomas Hinkamp, M.D.	Edwin Pratt, M.D.	

DISCUSSION

Appointment of ALJ: The Board adopted a motion to appoint Dr. Lankford, Board President, as the ALJ for the Board for upcoming matters.

Huddleston/Barai, 4/0/0

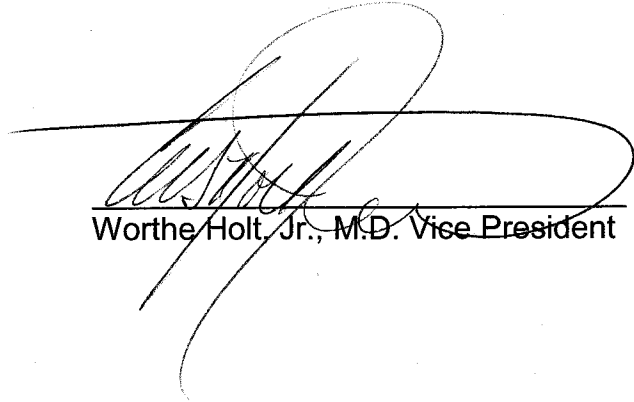
Presentation by Karen Ryan, JD and Michael Kulczyncki – Joint Commission of Accreditation on Healthcare Organizations

Ms. Ryan is the Associate Director of State Relations and Mr. Kulczyncki is the Executive Director Ambulatory Care Accreditation Program. They presented to the Board information on the Joint Commission's Office-Based Surgery Accreditation Program: Key to Patient Safety. An overview of their presentation is as follows:

- State Relations – partnership with regulatory oversight
- Recognition program
- Communications aspect of public/private partnership
- Review of OBS Accreditation Program

The Board thanked them for their presentation.

There being no further business the meeting adjourned at 6:25 p.m.



Worthe Holt, Jr., M.D. Vice President